

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

HECTOR GONZALEZ FIGUEROA,
et al.,

Plaintiffs,

v.

ANGEL MENDEZ, et al.,

Defendants.

CIVIL NO. 07-1289 (RLA)

ORDER DISMISSING THE COMPLAINT

Based on the arguments set forth by the defendants in their respective motions which arguments are incorporated herein in extenso the court finds that dismissal of the complaint filed in this case is warranted for the following reasons.

- The complaint fails to state a federal cause of action;
- Puerto Rico's Law 80 of May 30, 1976, Laws of P.R. Ann. tit. 29, §§ 185a-185m (2001) ("Law 80") does not provide for a cause of action for the relatives of Hector González Figueroa, defendant's employee;
- The Law 80 claim of Hector González Figueroa only covers his period of employment with codefendant BFI of Ponce, Inc. from 2005 to 2006 and does not extend to any previous employment outside of Puerto Rico;
- The individual defendants are not liable under Law 80;
- Plaintiff Hector González Figueroa's allegations that he was "humiliated, defamed, discredited, retaliated,

discriminated, harassed, persecuted, his supervisor made false and derogatory remarks about his performance in order to justify his dismissal (sic), these were known by his coworkers, subordinates, and other officials"¹ are but "bald assertions, unsupportable conclusions, periphrastic circumlocutions" deemed insufficient to survive a Rule 12(b)(1) Fed. R. Civ. P. request. Aulson v. Blanchard, 83 F.3d 1, 3 (1st Cir. 1996).

- Plaintiff Hector González Figueroa's claim under Law 80 in this action is limited to "the salary corresponding to one month, as indemnity" inasmuch as he was "discharged within the first five (5) years of service" with BFI of Ponce, Inc. in Puerto Rico, § 185a(a), which does not meet the \$75,000.00 minimum threshold for diversity jurisdiction under 28 U.S.C. § 1332.

Accordingly, the Motion to Dismiss filed by codefendant BFI of Ponce, Inc. (docket No. **12**); the Motion to Dismiss filed by codefendant Julio Delgado (docket No. **13**) and the Motion Joining Motion to Dismiss filed by codefendant American International Insurance Company of Puerto Rico ("AIICO") (docket No. **15**) are hereby

GRANTED.²

¹ Complaint ¶ 25.

² See also plaintiff's Response (docket No. **19**); Reply by Julio Delgado (docket No. **23**); Motion Joining Reply by AIICO and

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Based on the foregoing, except for Hector González Figueroa's Law 80 claim which is hereby **DISMISSED** for lack of jurisdiction under Rule 12(b)(6), the other claims asserted in the complaint are **DISMISSED** for failure to state a claim pursuant to Rule 12(b)(1).

Judgment shall be entered accordingly.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 28th day of March, 2008.

S/Raymond L. Acosta
RAYMOND L. ACOSTA
United States District Judge

Supplemental Motion to Dismiss filed by BFI of Ponce, Inc. and Julio Delgado (docket NO. **26**).